

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
)
vs.) Criminal No. 10-0029
)
ANDREW TERRY)

ORDER

AND NOW this 22nd day of March, 2011, IT IS HEREBY
ORDERED that the court will adopt the American Bar Association's
Criminal Justice Standard 6-3.7 regarding the duties of standby
counsel for pro se defendant, Andrew Terry.

On November 16, 2010, the court appointed Stephen Israel
as defendant's counsel. On March 3, 2011, defendant notified the
court of his intention to proceed pro se with Mr. Israel as standby
counsel. After a pro se hearing on March 18, 2011, the court
granted defendant's request to proceed pro se and allowed Mr.
Israel to be defendant's standby counsel. At the hearing,
defendant and Mr. Israel inquired into the duties and
responsibilities of standby counsel. Please be advised that the
American Bar Association Criminal Judicial Standard 6-3.7, Standby
counsel for pro se defendant, states:

- (a) When a defendant has been permitted to proceed without
the assistance of counsel, the trial judge should
consider the appointment of standby counsel to assist the
defendant when called upon. Standby counsel should
always be appointed in capital cases and in cases when
the maximum penalty is life without the possibility of
parole. Standby counsel should ordinarily be appointed

in trials expected to be long or complicated or in which there are multiple defendants, and in any case in which a severe sentence might be imposed.

- (b) The trial judge should clearly notify both the defendant and standby counsel of their respective roles and duties.
- (c) When standby counsel is appointed to provide assistance to the pro se accused only when requested, the trial judge should ensure that counsel not actively participate in the conduct of the defense unless requested by the accused or directed to do so by the court. When standby counsel is appointed to actively assist the pro se accused, the trial judge should ensure that the accused is permitted to make the final decisions on all matters, including strategic and tactical matters relating to the conduct of the case.

Accordingly, the court will adopt this standard.



GARY L. LANCASTER
Chief Judge, United States District Court

cc: Andrew Terry, pro se
Barbara Schwartz, United States Attorney
Stephen Israel